IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

MACA.No. 2158 of 2006()

OPMV.962/2003 of MOTOR ACCIDENT CLAIMS TRIBUNAL, MUVATTUPUZHA

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APPELLANT/PETITIONER

N.K.PARAMU, S/O.KELA,
NJATTUMPARAMBIL HOUSE, KOTTAPPADY.

BY ADV. SRI.RAJESH CHAKYAT

RESPONDENTS:

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1. K.V.JOSE, S/O.VAREED @ VARGHESE,
KALIYALIKUDY HOUSE, NEELASHWARAM P.O.,
KALADY.

2. T.I.KORAPPILLA, S/O.ITTOOP,
THAMBRA HOUSE, NAYATHODE P.O., ANGAMALY.

3. THE MANAGER,
THE ORIENTAL INSURANCE CO. LTD.,
IST FLOOR, KALLOOKARAN SHOPPING COMPLEX,
ANGAMALY, PIN-683 572.

BY ADV. SRI.S.MAMMU (R3)

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 27/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.PADMANABHAN NAIR, J.

M.A.C.A.No.2158 OF 2006

Dated this the 27th June, 2007.

J U D G M E N T

Heard. Admitted. Sri.S.Mammu takes notice for the 3rd respondent, Insurer. Notice to respondents 1 and 2, the owner and driver, are dispensed with. The appeal itself is heard and disposed of as follows.

2. On 14.12.2002, while the appellant was walking through the road near the Perumbavoor Bus Stand, a stage carriage bus, bearing Registration No.KL/7-J 2365, hit against the person of appellant. He sustained injuries. Initially, he was treated at Sanjo Hospital, Perumbavoor, for three days. He was referred from there to Amritha Hospital, Kochi, and underwent treatment there also for three days. He filed Original Petition claiming compensation against the owner, driver and insurer, before the Motor Accident Claims Tribunal, Muvattupuzha, as O.P.(M.V.)No. 962/2003. The Tribunal found that the accident occurred due to the negligence of the driver and an

amount of Rs.7900/= was awarded as compensation. Insurer was directed to pay the amount. Challenging the quantum of compensation, petitioner himself has filed this appeal.

3. Appellant was treated as inpatient for six days. He was treated in a Major Hospital like Amritha Hospital, Kochi. At least for a period of two months, he may not have been in a position to attend the work. So, the Tribunal ought to have award an amount of Rs.3000/= as loss of earnings, but the Tribunal has not awarded any amount on that count. I award an amount of Rs.3000/= as loss of earnings. The Tribunal had only awarded an amount of Rs.3000/= for pain and sufferings, and it ought to have awarded at least Rs.7000/= on that count. I do not find any reason to interfere with the quantum of compensation awarded on any other counts. Hence, the appellant is entitled to get an additional award of Rs.7000/= more, in addition to the compensation already awarded.

In the result, the appeal is allowed in part. An award is passed allowing the appellant to recover an amount of Rs.7000/= as additional compensation. The third respondent, Insurance Company, is directed to deposit the above amount with 9% interest

from the date of petition, till the date of realisation. The 3rd respondent is directed to deposit the above amount in favour of the appellant. On deposit, the appellant can withdraw the amount in lump.

K.PADMANABHAN NAIR,
JUDGE

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